

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMBAC ASSURANCE
CORPORATION,

Plaintiff,

v.

EMC MORTGAGE CORPORATION
and BEAR, STEARNS & CO. INC.
(now known as J.P. MORGAN
SECURITIES INC.),

Defendants.
-----X

:
: Index No. 08 Civ. 9464 (RMB) (THK)

:
: ECF CASE

:
: JOINT NOTICE OF APPEAL BY EMC
: MORTGAGE CORPORATION and
: BEAR, STEARNS & CO. INC.

JOINT NOTICE OF APPEAL IN A CIVIL CASE

PLEASE TAKE NOTICE that Defendants EMC Mortgage Corporation (“EMC”) and Bear, Stearns & Co. Inc. (now known as J.P. Morgan Securities Inc.) (“Bear Stearns”) hereby jointly appeal to the United States Court of Appeals for the Second Circuit from the attached Decision and Order of the District Court, dated February 8, 2011 (the “Order”) (Exhibit A hereto), and the final judgment in this case, to the extent that the Order (i) granted Plaintiff Ambac Assurance Corporation leave to amend its complaint to assert a fraudulent inducement claim against EMC and Bear Stearns and (ii) permitted the joinder of Bear Stearns, a non-diverse, non-required party and dismissed the action for lack of federal diversity jurisdiction.

Dated: March 9, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard A. Edlin', is written over a horizontal line.

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